

DELAWARE BOARD OF NURSING

IN RE: KIMBERLY L. SHAW KEHR

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Case No.: 11-91-15

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LICENSE NO.: L1-0046503

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**ORDER ACCEPTING COMPLAINT AND GRANTING
EMERGENCY TEMPORARY SUSPENSION**

AND NOW, this 10th day of November, 2015,

WHEREAS, the Delaware Department of Justice through the prosecuting Deputy Attorney General has filed with the Board of Nursing a written Complaint and Motion for Temporary Suspension; and,

WHEREAS, Respondent is a registered nurse in the state of Delaware with an active license issued on February 24, 2015; Respondent is also licensed to practice in New Jersey, under license number NR 16296300, which is currently suspended; and

WHEREAS, said Complaint and Motion allege, among other things, that the Respondent was non-compliant with the New Jersey Recovery and Monitoring Program (RAMP), to which she agreed to enroll following her termination from employment for suspected diversion of narcotics, as she tested positive for morphine on two urine drug screens in April 2015 and stopped participating in May 2015. Respondent admitted to diverting morphine. Her New Jersey license was suspended for failing to comply with RAMP, and on August 4, 2015, when completing her Delaware license renewal form, she falsely answered "No" to the renewal questions asking whether she is or has been "dependent on the use of alcohol, stimulants, or habit-forming drugs" and whether her license had been suspended in another jurisdiction since her last renewal in Delaware; and

WHEREAS, the allegations if substantiated at a formal hearing constitute unprofessional

conduct under numerous provisions of the Nursing Practice Act, including but not limited to, 24 *Del. C.* § 1922(a)(1), (3), (4), (7), and (8) and Board Regulation 10.4.1; and

WHEREAS, Respondent and/or her legal counsel was given at least 24 hours' written or oral notice so that she or her counsel could file a written response in opposition to entry of an Order of Temporary Suspension together with a copy of the Complaint in compliance with 24 *Del. C.* § 1923(a); and

WHEREAS, Respondent filed an Answer to the State's Complaint contending that in August of 2014 she was falsely accused of diverting narcotics from her job at an adult day care center in New Jersey and then terminated from that position due to personal animosity toward her from the employer's administrator. Respondent alleges that she could not afford to take legal action, so she decided to "accept the RAMP terms and enter that program." After entering RAMP, Respondent maintains that she attempted to fulfill the guidelines, but the "constant feeling of being scrutinized and financial burden...caused [her] to reach [her] breaking point" so she used morphine. She alleges that this only happened once and does not explain why she tested positive on two occasions. Respondent states that she could not afford the RAMP, and her counselor would not allow her to look for care at alternative locations. She stopped complying with the program because she had no job and could not afford it. Respondent continued with mental health therapy after dropping out of RAMP and contends that she is not a danger to society as her psychiatrist "diagnosed [her] situation and has [her] on the proper medication." Respondent does not indicate what her diagnosis is or the medications she is taking. Respondent argues that she did not intentionally answer the questions on the Delaware renewal falsely as she does not believe that she is "dependent on the use of alcohol, stimulants, or habit-forming drugs," and she was not aware that her New Jersey license had been suspended; and

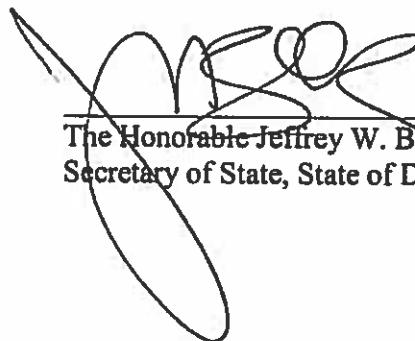
WHEREAS, after reviewing the allegations in the State's Complaint *in toto*, said Complaint highlights the serious nature of Respondent's offenses. Further, the undersigned have an obligation to ensure the public health is protected. After due consideration of the Complaint and the Motion, the Secretary of State or his designee with the concurrence of the Board President or his designee have therefore determined that the available information is sufficient to support the entry of an Order temporarily suspending Respondent's license to practice nursing in the State of Delaware in that there is a reasonable belief that Respondent's continued practice presents a clear and immediate danger to the public health;

IT IS SO ORDERED this 10th day of November, 2015:

1. That the Motion for Emergency Suspension of Kimberly L. Shaw Kehr's license to practice nursing (License No.: L1-0046503) is granted;
2. That Kimberly L. Shaw Kehr shall be served with a copy of this Order as provided in 24 *Del. C.* § 1923(b) and notice shall be provided to all other agencies listed therein;
3. That Complaint No. 11-91-15 is accepted by the Board as the Formal Complaint and shall be assigned to a hearing officer to be scheduled in accordance with 24 *Del. C.* § 1923(d) and 29 *Del. C.* § 8735(v)(1)d to hear evidence related to the Formal Complaint; and
4. That pursuant to 24 *Del. C.* § 1923(c) Ms. Kehr may request an expedited hearing provided that the Board receives the request within 5 calendar days of the date Ms. Kehr is notified of this Order.



Robert Contino, R.N.
President, Board of Nursing



The Honorable Jeffrey W. Bullock
Secretary of State, State of Delaware